

## REMARKS

Claims 1-63 are pending in the present application. Claims 1-3, 5-37 and 45-63 are allowed. Claims 40 and 41 are objected to and claims 4, 38, 39 and 42-44 are rejected.

Claims 4, 40 and 41 have been amended to be independent claims containing all limitations of the claims from which they depended.

Claims 38, 39, and 42-44 are in condition for allowance for the reasons set forth herein.

### Claim Rejections - 35 USC § 103

Claims 38, 39, 42, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al (USP 5,033,531).

Fisher et al. is cited as disclosing a filter for filtering molten iron including an inoculant which includes ferrosilicon and a rare earth. The manner in which this combination is assembled is clearly laid out in the specification to be a dispersion of inoculant in a wax. Nowhere in the specification of Fisher et al. is the concept of a pellet described. In contrast, Fisher sets forth the advantages to include eliminating the necessity for casting inoculants (see Col. 4, lines 44-46.

Applicants respectfully submit that claims 38 and 39, the independent claims at issue, both recite an inoculant pellet. The use of a pellet is contrary to the teachings of Fisher which attempt to eliminate moulded elements. Therefore, one can only conclude that Fisher teaches away from the present invention since the desire would be to avoid the necessity for forming a moulded inoculant.

The rejection of claims 38 and 39 under 35 U.S.C. 103(a) is improperly based on teachings which lead one of ordinary skill in the art away from the claimed invention. Applicants respectfully request that the rejections be withdrawn and that a notice of allowance be forwarded.

Claims 42-44 ultimately depend from claim 39 and are patentable for, at least, the same reasons as claim 39.

A notice of allowance for claims 38, 39 and 42-44 is earnestly solicited.

#### Claim Rejections - 35 USC § 112

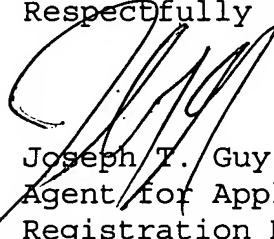
Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 has been amended thereby rendering the rejection moot. A notice of allowance for claim 4 is proper and earnestly solicited.

# CONCLUSIONS

Claims 1-63 are pending. All claims are in condition for allowance. A notice of allowance is respectfully requested.

Respectfully submitted,



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